

Docket No. P21-163407M/NY
Serial No. 10/790,217

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REMARKS

Claims 1-21 are all of the claims presently pending in the application. Claims 1, 2, 9, 14, and 17 have been amended to more clearly define the claimed invention.

Entry of this Amendment is believed proper since no new issues are being presented to the Examiner that would require further consideration and/or search.

It is noted that the claim amendments are made only for more particularly pointing out the invention, and not for distinguishing the invention over the prior art, narrowing the claims or for any statutory requirements of patentability. Further, Applicant specifically states that no amendment to any claim herein should be construed as a disclaimer of any interest in or right to an equivalent of any element or feature of the amended claim.

Applicant gratefully acknowledges the Examiner's indication that claims 9-11 would be allowable if rewritten or amended to overcome the rejection under 35 U.S.C. § 112, second paragraph. However, Applicant submits that all of claims 1-21 are allowable.

Claims 1-20 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. Claims 1-8, 12-14 and 21 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Arisaka (U.S. Patent No. 6,511,273). Claims 1-8, 12-14 and 21 stand rejected under 35 U.S.C. § 102(b) as being anticipated by LeVey (U.S. Patent No. 6,045,309). Claims 15 and 16 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over LeVey or Arisaka.

These rejections are respectfully traversed in the following discussion.

I. THE CLAIMED INVENTION

The claimed invention of exemplary claim 1, provides a jointing member including a leg portion capable of being opened, in which an insertion hole is formed from a center of the flange portion to an inner portion of the leg portion in which a lower end of the leg portion is opened (e.g., see Application at Figures 2A-7). This feature is important for preventing a

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worker from erroneously pushing the tip end of the shaft portion of the pin while the worker performs another procedure or the corner portion of another part is abutted against the tip end of the shaft portion of the pin (see Application at page 13, lines 9-19).

II. OBJECTION TO THE SPECIFICATION

The Examiner has objected to the specification under 35 U.S.C. § 112, first paragraph, because the specification is allegedly replete with terms that are not clear, concise and exact.

Applicant has amended the specification in accordance with the Examiner's objections. Specifically, Applicant has amended the paragraph beginning on page 6, line 13 of the specification, as provided in the enclosed partial draft Amendment. Additionally, Applicant has reviewed the entire specification for further necessary amendments. The remainder of the specification is written in clear, concise and exact English.

Additionally, Applicant points out to the Examiner that the phrase "where it is" was previously deleted from the specification in the Amendment filed on September 29, 2005.

Therefore, the Examiner is respectfully requested to reconsider and withdraw this objection.

III. 35 U.S.C. § 112, SECOND PARAGRAPH, REJECTION

Claims 1-20 stand rejected under 35 U.S.C. § 112, second paragraph. Although Applicant disagrees with the Examiner's determination of indefiniteness (as explained in our Amendment filed on September 29, 2005), merely in an effort to speed prosecution, Applicant has amended the claims to more particularly define the claimed invention.

Regarding claim 17, however, the Examiner has appeared to misunderstand the figures of the specification. That is, the Examiner indicated that the specification "discloses projections 11, shown as recess, not projection" (see Office Action dated December 15, 2005 at page 6). The Examiner, however, is clearly incorrect.

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That is, the recesses depicted in Figure 1, for example, refer to the slits (8). The projections (11) are formed on an upper portion of the slits (8). Applicant has amended the claims to more clearly reflect the location of the projections (11).

Additionally, Applicant has completely reviewed each of the claims and have ensured that the claims are clear and definite.

Therefore, Applicant requests the Examiner to reconsider and withdraw this rejection.

IV. CLAIM REJECTIONS BASED ON PRIOR ART GROUNDS

A. The Arisaka Reference

Claims 1-8, 12-14 and 21 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Arisaka. Furthermore, claims 15 and 16 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Arisaka. Applicant submits, however, that there are elements of the claimed invention which are neither taught nor suggested by Arisaka.

That is, Arisaka does not teach or suggest "*a leg portion capable of being opened, in which an insertion hole is formed from a center of the flange portion to an inner portion of the leg portion in which a lower end of the leg portion is opened*" (emphasis added by Applicant), as recited in claim 1.

The Examiner attempts to rely on Figure 23 of Arisaka to support her allegations. The Examiner, however, is clearly incorrect.

That is, nowhere in these figures (nor anywhere else for that matter) does Arisaka teach or suggest a leg portion capable of being opened, in which an insertion hole is formed from a center of the flange portion to an inner portion of the leg portion in which a lower end of the leg portion is opened. Indeed, the Examiner does not even allege that Arisaka teaches or suggests this feature.

Therefore, Applicant submits that there are elements of the claimed invention that are not taught or suggested, nor made obvious, by Arisaka. Therefore, Applicant requests the

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Examiner to reconsider and withdraw this rejection.

B. The LeVey Reference

Claims 1-8, 12-14 and 21 stand rejected under 35 U.S.C. § 102(b) as being anticipated by LeVey. Furthermore, claims 15 and 16 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over LeVey. Applicant submits, however, that there are elements of the claimed invention which are neither taught nor suggested by LeVey.

That is, LeVey does not teach or suggest *"a leg portion capable of being opened, in which an insertion hole is formed from a center of the flange portion to an inner portion of the leg portion in which a lower end of the leg portion is opened"* (emphasis added by Applicant), as recited in claim 1.

The Examiner attempts to rely on Figures 9 and 10 of LeVey to support her allegations. The Examiner, however, is clearly incorrect.

That is, nowhere in these figures (nor anywhere else for that matter) does LeVey teach or suggest a leg portion capable of being opened, in which an insertion hole is formed from a center of the flange portion to an inner portion of the leg portion in which a lower end of the leg portion is opened. Indeed, the Examiner does not even allege that LeVey teaches or suggests this feature.

Therefore, Applicant submits that there are elements of the claimed invention that are not taught or suggested, nor made obvious, by LeVey. Therefore, Applicant respectfully requests the Examiner to reconsider and withdraw this rejection.

V. FORMAL MATTERS AND CONCLUSION

In view of the foregoing, Applicant submits that claims 1-21, all the claims presently pending in the application, are patentably distinct over the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above

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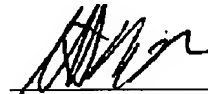
application to issue at the earliest possible time.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

The Commissioner is hereby authorized to charge any deficiency in fees or to credit any overpayment in fees to Attorney's Deposit Account No. 50-0481.

Respectfully Submitted,

Date: March 15, 2006



Scott M. Tulino, Esq.
Registration No. 48,317

Sean M. McGinn, Esq.
Registration No. 34,386

**MCGINN INTELLECTUAL PROPERTY
LAW GROUP, PLLC**

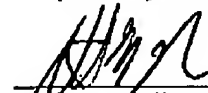
8321 Old Courthouse Road, Suite 200
Vienna, VA 22182-3817
(703) 761-4100
Customer No. 21254

FACSIMILE TRANSMISSION

I hereby certify that I am filing this paper via facsimile, to Group Art Unit 3677, at (571) 273-8300, on March 15, 2006.

Respectfully Submitted,

Date: March 15, 2006



Scott M. Tulino, Esq.
Reg. No. 48,317

Sean M. McGinn, Esq.
Reg. No. 34,386